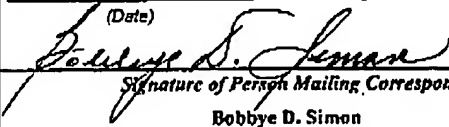
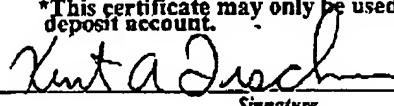


<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97(c))					Docket No. 41942-05546	
In Re Application Of: <b>MORTZ, Margaret S.</b>						
Application No. <b>10/700,319</b>	Filing Date <b>November 3, 2003</b>	Examiner <b>WINAKUR, Eric Frank</b>	Customer No. <b>25231</b>	Group Art Unit <b>3736</b>	Confirmation No. <b>5097</b>	
Title: <b>PULSE OXIMETRY SpO2 DETERMINATION</b>						
Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450						
<b>37 CFR 1.97(b)</b>						
1. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.						
<b>37 CFR 1.97(c)</b>						
2. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:						
<input type="checkbox"/> the statement specified in 37 CFR 1.97(e);						
<b>OR</b>						
<input checked="" type="checkbox"/> the fee set forth in 37 CFR 1.17(p).						

P10A/REV05

<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97(c))					Docket No. 41942-05546	
In Re Application: <b>MORTZ, Margaret S.</b>						
Application No. <b>10/700,319</b>	Filing Date <b>November 3, 2003</b>	Examiner <b>WINAKUR, Eric Frank</b>	Customer No. <b>25231</b>	Group Art Unit <b>3736</b>	Confirmation No. <b>5097</b>	
Title: <b>PULSE OXIMETRY SpO2 DETERMINATION</b>						
<p style="text-align: center;"><b>Payment of Fee</b> (Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))</p> <p><input checked="" type="checkbox"/> A check in the amount of <b>\$180.00</b> is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <b>50-1419</b> as described below.</p> <p style="margin-left: 40px;"> <input type="checkbox"/> Charge the amount of  <input checked="" type="checkbox"/> Credit any overpayment.  <input checked="" type="checkbox"/> Charge any additional fee required.         </p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;"><b>Certificate of Transmission by Facsimile*</b></p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">             I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____)           </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">             _____ (Date)           </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">             _____ Signature           </div> <div style="border: 1px solid black; padding: 5px;">             _____ Typed or Printed Name of Person Signing Certificate           </div> </div> <div style="width: 45%;"> <p style="text-align: center;"><b>Certificate of Mailing by First Class Mail</b></p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">             I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to *Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450* [37 CFR 1.8(a)] on           </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">             April 8, 2005 (Date)           </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">  Signature of Person Mailing Correspondence           </div> <div style="border: 1px solid black; padding: 5px;">             Bobby D. Simon Typed or Printed Name of Person Mailing Certificate           </div> </div> </div> <p style="margin-top: 10px;">*This certificate may only be used if paying by deposit account.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 45%;">               _____ Signature  <b>Kent A. Fischmann, Esq.</b>  <b>Registration No. 35,511</b>  <b>MARSH FISCHMANN &amp; BREYFOGLE LLP</b>  <b>3151 South Vaughn Way, Suite 411</b>  <b>Aurora, Colorado 80014</b>  <b>(720)562-5501</b> </div> <div style="width: 45%; text-align: right;"> <p>Dated: April 8, 2005</p> </div> </div>						
CC:						

P10A/REV05

PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 08 2005

In Re the Application of:

MORTZ, Margaret S.

Serial No.: 10/700,319

Filed Date: November 3, 2003

Confirmation No.: 5097

Atty. Docket No.: 41942-05546

For: PULSE OXIMETRY SpO2  
DETERMINATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby submits the enclosed PTO Form 1449, although Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application. Pursuant to the Official Gazette Notice of August 5, 2003, copies of any U.S. Patents or published U.S. Patent Applications are not being submitted herewith. Copies of any foreign patent and non-patent documents are submitted herewith.

Applicant has enclosed a check in the amount of \$180.00 to pay the fee set forth in 37 CFR 1.17(p). Please charge any additional fees required, or credit any overpayment, to Deposit Account No. 50-1419.

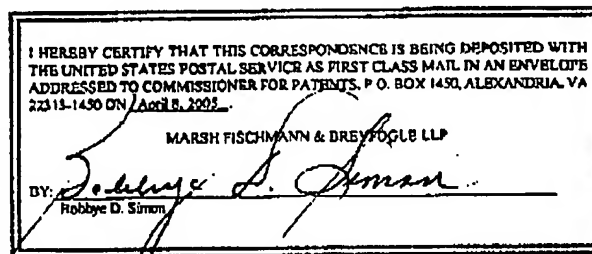
Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:

*Kent A. Fischmann*  
Kent A. Fischmann, Esq.  
Attorney Registration No. 35,511  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(720)562-5501

Date: April 8, 2005



<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				ATTY DOCKET NO. <b>41942-05546</b>		SERIAL NO. <b>10/700,319</b>		
				FILING <b>November 3, 2003</b>		GROUP <b>3736</b>		
				<b>U.S. PATENT DOCUMENTS</b>				
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	a.	4,167,331	09/1979	Nielsen	128	633		
	b.	4,266,554	05/1981	Hamaguri	128	633		
	c.	4,586,513	05/1986	Hamaguri et al	128	633		
	d.	4,623,248	11/1986	Sperinde	356	41		
	e.	4,700,708	10/1987	New, Jr., et al.	128	633		
	f.	4,714,080	12/1987	Edgar, Jr., et al.	128	633		
	g.	4,714,341	12/1987	Hamaguri, et al.	128	633		
	h.	4,784,150	11/1988	Vorhies, et al.	128	664		
	i.	4,796,636	01/1989	Branstetter, et al.	128	633		
	j.	4,805,623	02/1989	Jobsis	128	633		
	k.	4,807,631	02/1989	Hersh, et al	128	633		
<b>FOREIGN PATENT DOCUMENTS</b>								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>								
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. 41942-05546	SERIAL NO. 10/700,319
	FILING November 3, 2003	GROUP 3736

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	l.	4,819,752	04/1989	Zelin	128	633	
	m.	4,822,568	04/1989	Tomita	128	691	
	n.	4,824,242	04/1989	Frick, et al.	128	633	
	p.	4,869,253	09/1989	Craig, Jr., et al.	128	633	
	p.	4,869,254	09/1989	Stone, et al.	128	633	
	q.	4,883,353	11/1989	Hausman, et al.	600	323	
	r.	4,928,692	05/1990	Goodman, et al.	128	633	
	s.	4,948,824	08/1990	Lehman	128	633	
	t.	5,028,787	07/1991	Rosenthal, et al.	128	633	
	u.	5,048,524	09/1991	Bailey	128	634	
	v.	5,119,815	06/1992	Chance	128	664	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

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*(Use several sheets if necessary)*

 ATTY DOCKET NO.  
 41942-05546

 SERIAL NO.  
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 FILING  
 November 3, 2003

 GROUP  
 3736

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	w.	5,219,400	06/1993	Jacot, et al.	128	633	
	x.	5,259,381	11/1993	Cheung, et al.	128	633	
	y.	5,351,685	10/1994	Potratz	128	633	
	z.	5,379,238	01/1995	Stark	128	633	
	aa.	5,503,148	04/1996	Pologe, et al.	128	633	
	bb.	5,934,277	08/1999	Mortz	128	633	
	cc.	6,385,471	05/2002	Mortz	600	323	
	dd.	6,714,803	03/2004	Mortz	600	323	
	ee.	6,157,850	12/2000	Diab, et al.	600	323	
	ff.	6,263,222	07/2001	Diab, et al.	600	310	
	gg.	4,911,167	03/1990	Corenman et al.	128	633	

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*


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[illegible]